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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,023	06/30/2003	Kentaro Yano	00862.023118	4222
5514 7590 09/28/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PARK, CHAN S	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 09/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/608,023	Applicant(s) YANO ET AL.	
	Examiner CHAN S. PARK	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-62 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Tran

Chan S. Park

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2625

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 7/18/07, and has been entered and made of record. Currently, **claims 35-62** are pending.

Specification

2. The corrected or substitute abstract/specification was received on 7/18/07. The specification is acceptable.

Response to Arguments

3. Applicant's arguments with respect to claims 35-62 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2625

Claims 35-44, 47, 48, 50-52, 54, 55, 58-60 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Breidenbach et al. U.S. Patent Application Publication No. 2003/0084085 (hereinafter Breidenbach).

4. With respect to claim 35, Breidenbach discloses a recording system, in which an image supply device and a recording device directly communicate with each other via a communication interface, for transmitting image data to the recording device from the image supply device and recording the image data (fig. 4 & paragraphs 43-44), the recording system comprising:

communication means for establishing a communication procedure between the image supply device and the recording device (paragraphs 43-44 & 47);

assignment means for determining a presence/absence or comparative merits of each of a plurality of functions of the image supply device and the recording device (paragraph 46), after the establishment of the communication procedure, and assigning the plurality of functions to the image supply device and the recording device based on a determination (paragraphs 49-50); and

record control means for transmitting/receiving image data and a command between the image supply device and the recording device based on the functions assigned by said assignment means, and performing a recording operation by using the recording device based on the image data supplied from the image supply device (paragraphs 52~54).

5. With respect to claim 36, Breidenbach teaches a control method of a recording system, in which an image supply device and a recording device

Art Unit: 2625

directly communicate with each other via a communication interface, for transmitting image data to the recording device from the image supply device and recording the image data, the method comprising the steps of:

establishing a communication procedure between the image supply device and the recording device (paragraphs 43-44 & 47);

determining a presence/absence or comparative merits of each of a plurality of functions of the image supply device and the recording device, after the establishment of the communication procedure (paragraphs 46, 49 & 50);

assigning the plurality of functions to the image supply device and the recording device based on a determination in said determining step (paragraphs 46, 49 & 50); and

transmitting/receiving image data and a communication command between the image supply device and the recording device based on the functions assigned in said assigning step, and performing a recording operation by using the recording device based on the image data supplied from the image supply device (paragraphs 52~54).

6. With respect to claim 37, Breidenbach teaches a control method according to claim 36, wherein the communication interface sets that the recording device is host and the image supply device is slave and said determining step and said assigning step are implemented by the recording device (paragraphs 49~54).

Since the scanner/digital camera is adjusts its option based on the printer capability, the printer is acting as the host and the scanner/digital camera is acting as the slave.

Art Unit: 2625

7. With respect to claim 38, Breidenbach teaches a control method according to claim 36, wherein the communication interface sets that the recording device is host and the image supply device is slave and said determining step and said assigning step are implemented by the image supply device (paragraph 49).

8. With respect to claim 39, Breidenbach teaches a control method according to claim 36, wherein the plurality of functions include at least an operation controller including user interface, a storage controller for controlling a storage for storing an image file and a print controller for controlling a print operation (paragraphs 52~56).

9. With respect to claim 40, Breidenbach teaches a control method according to claim 36, wherein in said determining step, function information is received from a communication partner after the establishment of the communication procedure, and in said assigning step, the plurality of functions are assigned based on the received function information (paragraph 50).

10. With respect to claim 41, Breidenbach teaches a control method according to claim 36, wherein the plurality of functions include at least one of an image format supporting function, layout print function, date and file name print function, image correction function, fixed size print function, image clipping print function and print job format supporting function (paragraphs 52~56).

11. With respect to claim 43, Breidenbach teaches a control method of a print system, in which an image supply device and a printing device directly communicate with each other via a communication interface, for transmitting

Art Unit: 2625

image data to the recording device from the image supply device and printing the image data (paragraphs 43-44), the method comprising the steps of:

establishing a communication procedure between the image supply device and the printing device (paragraphs 43, 44 & 47);

after the establishment of the communication procedure, assigning at least one of an operation controller including user interface, a storage controller for controlling a storage storing an image file and a print controller for controlling a print operation (paragraphs 52~56); and

transmitting/receiving image data and a communication command between the image supply device and the printing device based on an assignment assigned in said assigning step, and performing a print operation by using the printing device based on the image data supplied from the image supply device (paragraphs 52~56).

12. With respect to claims 42 and 47, arguments analogous to those presented for claim 43, are applicable.

13. With respect to claim 44, Breidenbach teaches a control method according to claim 43, wherein the communication interface sets that the printing device is host and the image supply device is slave and said assigning step is implemented by the printing device (paragraphs 49~54). Since the scanner/digital camera is adjusts its option based on the printer capability, the printer is acting as the host and the scanner/digital camera is acting as the slave.

14. With respect to claim 48, Breidenbach discloses a printing device according to claim 47, wherein said assignment means receives function

Art Unit: 2625

information describing functions of the image supply device after the establishment of the communication procedure, and assigns functions based on the received function information (paragraphs 49-50).

15. With respect to claim 50, Breidenbach discloses a printing device according to claim 47, wherein functions include at least one of an image format supporting function, layout print function, date and file name print function, image correction function, fixed size print function, image clipping print function and print job format supporting function (paragraphs 52-56).

16. With respect to claim 51, Breidenbach discloses an image supply device for directly communicating with a printing device via a communication interface and for transmitting image data to the printing device to print the image data (fig. 4 & paragraphs 43-44), the image supply device comprising:

communication means for establishing a communication procedure with the printing device (fig. 4 & paragraphs 43-44);

assignment means for, after the establishment of the communication procedure, assigning at least one of an operation controller including user interface, a storage controller for controlling a storage storing an image file and a print controller for controlling creating print data (paragraphs 52~56); and

print control means for transmitting image data to the printing device and causing the printing device to print based on an assignment assigned by said assignment means (paragraphs 52~56).

17. With respect to claim 52, Breidenbach discloses an image supply device according to claim 51, wherein said assignment means receives function

Art Unit: 2625

information describing functions of the printing device after the establishment of the communication procedure, and assigns functions based on the received function information (paragraphs 49-50).

18. With respect to claim 54, refer to paragraphs 52~56.

19. With respect to claims 55 and 59, arguments analogous to those presented for claim 51, are applicable.

20. With respect to claims 56 and 60, arguments analogous to those presented for claim 52, are applicable.

21. With respect to claims 58 and 62, arguments analogous to those presented for claim 54, are applicable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45 and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Breidenbach as applied to claim 43 above, and further in view of Ho et al. U.S. Patent No. 5,805,298 (hereinafter Ho).

22. With respect to claim 45, Breidenbach teaches a method according to claim 43, but it does not explicitly teach that the image supply device and the printing device can communicate using a plurality of communication methods,

Art Unit: 2625

and the image supply device or the printing device has a dedicated protocol for each of the plurality of communication methods.

Ho, the same field of endeavor of the transferring scanned image data over network, teaches the method of transferring scanned image data to the printing device using a plurality of communication method, wherein a dedicated protocol is assigned for each of the plurality of communication methods (fig. 3).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the plurality of communication methods of transferring the scanned image data into the printing method of Breidenbach.

The suggestion/motivation for doing so would have been to provide a plurality options to user for transferring the image data over the network for printing.

Therefore, it would have been obvious to combine Breidenbach with Ho to obtain the invention as specified in claim 45.

23. With respect to claim 46, the combination of Breidenbach and Ho teaches the control method of claim 45, wherein in said assigning step, an assignment of functions to the image supply device and the printing device differs in accordance with the communication method between the image supply device and the printing device (step 310 & 316 in fig. 3 of Ho).

24. With respect to claims 49, 53, 56, 57 and 61, arguments analogous to those presented for claims 45 and 46, are applicable.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DOUGLAS Q. TRAN
PRIMARY EXAMINER

csp
September 24, 2007

Chan S. Park
Examiner
Art Unit 2625

